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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/039,176 03/13/98 RINES

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RINES AND RINES
81 NORTH STATE STREET
CONCORD NH 03301

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EXAMINER

DAVIS, D

ART UNIT

PAPER NUMBER

2754

DATE MAILED:

08/15/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/039,176

Applicant(s)

RINES ET AL.

Examiner

David D. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14,16-20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14,16-20 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Claim Objections

1. Claim 19 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Specifically, claim 19 depends from canceled claim 15.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the

voice-controlled switching means disposed at said steering wheel region and programmed with a plurality of pre-designated separate voice commands for the respective operation of each of said entertainment deck components and also of the cellular radio telephone; the voice-controlled switching means being responsive to the drive speaking the respective pre-designated commands live at said steering wheel region for thereupon effective the activating of the corresponding control switch.

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

3. Claims 23-25 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

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application was filed, had possession of the claimed invention. For example, the

language recited in claim 23, lines 9-15:

voice-controlled switching means disposed at said steering wheel region and programmed with a plurality of pre-designated separate voice commands for the respective operation of each of said entertainment deck components and also of the cellular radio telephone; the voice-controlled switching means being responsive to the drive speaking the respective pre-designated commands live at said steering wheel region for thereupon effective the activating of the corresponding control switch.

was not described in the specification at the time the application was filed in such a way as to reasonably convey to a skilled artisan that the inventors had possession of the claimed invention.

4. Claims 14, 16-20 and 22-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, in line 3 of claim 23 "the driver" is indefinite because it lacks antecedent basis. In line 4 of claim 23, "the steering wheel region" is indefinite because it lacks antecedent basis. In line 11 of claim 23, "the respective operation" is indefinite because it lacks antecedent basis. In line 13 of claim 23, "the respective pre-designated commands" is indefinite because it lacks antecedent basis. Similar indefiniteness exist in claims 24 and 25.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 14, 26-20 and 22-27 are 103(a) as being unpatentable over Sano et al (JP 63-14526) in view of Sato et al (US 4,342,106). Sano et al shows in figure 3 a driver operated vehicle with an entertainment deck. Sano et al also discloses a cellular telephone in the abstract, and shows in figure 3 a vehicle having a steering wheel region with control switches.

Sano is silent as to voice controlled switching.

Sato et al shows in figure 1 an entertainment deck including storage medium player and an AM/FM radio-receiver. In column 5, lines 47-53 Sato et al discloses a voice-controlled switching mechanism.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the driver operated vehicle of Sano et al with voice controlled switching as taught by Sato et al. The rationale is as follows: one of ordinary


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skill in the art the time the invention was made would have been motivated to provide a driver operated vehicle with voice controlled switching to enable "an automatic starting of the tape recorder from a remote location". See column 1, lines 35-43 of Sato et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is (703) 308-1503. The examiner can normally be reached on Mon., Tues., Thurs. and Fri. between 7:30-6:00.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 308-9052 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



David D. Davis
Primary Examiner
Art Unit 2754

ddd
August 14, 2000